

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

12-cr-99-wmc-1

CHRISTOPHER M. BLACK,

Defendant.

A hearing on the probation office's petition for judicial review of Christopher M. Black's supervised release was held on October 19, 2012, before U. S. District Judge William M. Conley. The government appeared by Assistant U. S. Attorney Grant C. Johnson. Defendant was present in person and by Supervisory Associate Federal Defender Michael W. Lieberman. Also present was U. S. Probation Officer Traci L. Jacobs.

From the record, I make the following findings of fact.

FACTS

Defendant was sentenced in the Eastern District of Missouri on September 1, 2011, following his conviction for conspiracy to commit bank fraud, in violation of 18 U.S.C. § 371. This offense is a Class D felony. He was committed to the custody of the Bureau of Prisons to serve a term of imprisonment of 15 months with a 36-month term of supervised release to follow on each count.

On January 7, 2012 defendant's term of supervised release commenced. In January

2012, he completed inpatient alcohol and drug treatment. On March 30, 2012, defendant consumed alcohol while on work release from his residential reentry center placement at Fahrman Center in Eau Claire, Wisconsin. He was terminated unsuccessfully from Fahrman Center and placed on the Sobriety. On June 6, 9, 14 and 15, 2012, Mr. Black tested positive for alcohol use. His conditions of supervised release were modified to include 120 days of home confinement. The defendant is currently enrolled in outpatient alcohol and drug treatment.

On July 16, 2012 jurisdiction was transferred to the Western District of Wisconsin from the Eastern District of Missouri. From July 29, 2012 through September 7, 2012 defendant was incarcerated in Indiana completing a custodial sentence for an operating while intoxicated charged that predated his federal conviction.

The defendant is now before the court for violating Special Condition No. 3, which required him to abstain from the use of alcohol when he consumed alcohol on September 29, 2012.

Defendant's conduct falls into the category of a Grade C violation. Section 7B1.3(a)(2) of the advisory guidelines provides that the court may revoke supervised release, extend the term of supervised release, or modify the conditions of supervision upon a finding of a Grade C violation.

CONCLUSIONS

Although defendant's actions demonstrate a disregard for the conditions of his supervised release, an alternative to revocation is available mitigating the need for revocation at this time.

ORDER

IT IS ORDERED that defendant is continued on supervised release with all conditions previously imposed. Further, the following special conditions of supervised release are imposed.

Special Condition No. 9: "Upon first available vacancy, spend up to 90 days in a residential reentry center, as approved by the supervising U.S. probation officer. Defendant may be absent from the center for employment purposes, for mental health counseling and treatment, and for passes consistent with program rules. Defendant is to pay his own medical expenses, if any, and is to pay 25% of his gross income toward the daily cost of residence. Defendant may be discharged early from the facility upon the approval of both the facility administrator and the supervising U.S. probation officer."

Special Condition No. 10: "Defendant shall participate in the Court Intervention Program which will involve informal contact with the Court, Federal Defender's Office, and U.S. Attorney's Office through teleconference, video conference, or face to face meetings as approved by the supervising U.S. probation officer."

Entered this 19th day of October 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY
U.S. District Judge